

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARLOS SOLER-NORONA,

Petitioner,

Case No. 4:17-CV-11357

Honorable Linda V. Parker

v.

SHAWN BREWER,

Respondent,

OPINION AND ORDER MODIFYING THE
ORDER OF RESPONSIVE PLEADING

Petitioner Carlos Soler-Norona (“Petitioner”) filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his conviction for conspiracy to commit armed robbery. On June 15, 2017, Magistrate Judge R. Steven Whalen signed an Order of Responsive Pleading, requiring the respondent to file an answer and the Rule 5 materials by November 2, 2017. (ECF No. 11.) For the reasons that follow, the Court modifies the Order of Responsive Pleading.

The habeas corpus rules require respondents to attach the relevant portions of the transcripts of the state court proceedings, if available, and the court may also order, on its own motion, or upon the petitioner’s request, that further portions of the transcripts be furnished. *Griffin v. Rogers*, 308 F. 3d 647, 653 (6th Cir. 2002); Rules Governing § 2254 Cases, Rule 5, 28 U.S.C. foll. § 2254. Petitioner attached

the entire trial court record to his application for writ of habeas corpus. Petitioner also attached various pre-trial transcripts and some appellate court materials to his pleadings. Because Petitioner already attached these Rule 5 materials, it is unnecessary for this Court to compel Respondent to provide the same materials when it responds to the petition. The Order of Responsive Pleading therefore is **MODIFIED** to require Respondent to file only those Rule 5 materials not provided by Petitioner.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: June 20, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, June 20, 2017, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager